

1 James R. Condo (#005867)
2 Amanda Sheridan (#005867)
3 SNELL & WILMER L.L.P.
4 One Arizona Center
5 400 E. Van Buren
Phoenix, AZ 85004-2204
Telephone: (602) 382-6000
JCondo@swlaw.com
ASheridan@swlaw.com

6 Richard B. North, Jr. (admitted *pro hac vice*)
7 Georgia Bar No. 545599
7 NELSON MULLINS RILEY & SCARBOROUGH, LLP
8 Atlantic Station
8 201 17th Street, NW, Suite 1700
9 Atlanta, GA 30363
9 Telephone: (404) 322-6000
Richard.North@nelsonmullins.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

16 IN RE: Bard IVC Filters Products Liability MDL NO. 15-02641-PHX-DGC
Litigation

**DEFENDANTS C. R. BARD, INC.'S
AND BARD PERIPHERAL
VASCULAR, INC.'S ANSWER AND
GENERAL DENIAL WITH RESPECT
TO CASE NO. CV-16-02234-PHX-DGC;
JURY TRIAL DEMAND**

22 Defendants C. R. Bard, Inc. (“Bard”) and Bard Peripheral Vascular, Inc. (“BPV”)
23 (Bard and BPV are collectively “Defendants”) hereby file this Answer and General Denial
24 with Respect to *Kevin Michael Powell v. C. R. Bard, Inc., et al.*, AZ Member Case
25 No. CV-16-02234-PHX-DGC (“Answer and General Denial”), served according to the
26 provisions and requirements of Amended Case Management Order No. 4 (Doc. 1108).
27 Defendants further reserve the right to file any motion to dismiss for failure to state a claim
28 with respect to this case, as set forth in Amended Case Management Order No. 4.

With respect to the allegations plaintiff(s) raise in *Kevin Michael Powell v. C. R. Bard, Inc., et al.*, AZ Member Case No. CV-16-02234-PHX-DGC, Defendants deny, generally and specifically, each and every allegation in plaintiff(s)' Complaint, the whole thereof, and each and every cause of action therein. Defendants further deny that the plaintiff(s) has sustained, or is entitled to recover, damages in any amount alleged or in any sum whatsoever. Defendants further deny that they are liable to the plaintiff in any amount, and further deny that the plaintiff has sustained injury, damage, or loss by reason of any act or omission by Defendants.

9 As for additional defenses, and without assuming any burden of pleading or proof that
10 would otherwise rest on plaintiff(s), Defendants incorporate by reference the responses and
11 Affirmative Defenses set forth in Defendants' Answer to Plaintiffs' Master Complaint filed in
12 MDL 2641 on December 17, 2015 (Doc. 366). Defendants further reserve the right to raise
13 such other affirmative defenses as may be available or apparent during discovery or as may
14 be raised or asserted by other defendants in this case. Defendants have not knowingly or
15 intentionally waived any applicable affirmative defense. If it appears that any affirmative
16 defense is or may be applicable after Defendants have had the opportunity to conduct
17 reasonable discovery in this matter, Defendants will assert such affirmative defense in
18 accordance with the Federal Rules of Civil Procedure.

REQUEST FOR JURY TRIAL

20 Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. demand a trial by jury
21 on all issues appropriate for jury determination.

22 **WHEREFORE**, Defendants aver that the plaintiff(s) is/are not entitled to the relief
23 demanded in the plaintiff(s)' Complaint, and these Defendants, having fully answered, pray
24 that this action against them be dismissed and that they be awarded their costs in defending
25 this action and that they be granted such other and further relief as the Court deems just and
26 appropriate.

This 11th day of July, 2016.

s/Richard B. North, Jr.

Richard B. North, Jr.

Georgia Bar No. 545599

NELSON MULLINS RILEY & SCARBOROUGH, LLP

Atlantic Station

201 17th Street, NW / Suite 1700

Atlanta, GA 30363

PH: (404) 322-6000

FX: (404) 322-6050

Richard.North@nells

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B. G. - 1 (1995)

James R. Condo (#0
A-1-Sch-1-11)

Amanda Sheridan (#027360)
S. S. W. I. I. D.

SNELL & WILMER L.L.P.
© A.J. Gant

One Arizona Center
400 E. Van Buren

400 E. Van Buren
Phoenix, AZ 85004

Phoenix, AZ 85004-2204
DII: (602) 382-6000

PH: (602) 382-6000
JGconde@swlaw.com

JCondo@swlaw.com
ASheridan@swlaw.com

ASheridan@swlaw.com

Attorney for Defendant

Attorney for Defendants Bard Peripheral Vascular

Bard Peripheral Vascul

**Attorney for Defendants C. R. Bard, Inc. and
Bard Peripheral Vascular, Inc.**

1 **CERTIFICATE OF SERVICE**
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4 I HEREBY CERTIFY that on July 11, 2016, I electronically filed the foregoing with
5 the Clerk of the Court by using the CM/ECF system which will send notification of such
6 filing to all counsel of record.

7 s/Richard B. North, Jr.
8 Richard B. North, Jr.
9 Georgia Bar No. 545599
10 NELSON MULLINS RILEY & SCARBOROUGH, LLP
11 Atlantic Station
12 201 17th Street, NW / Suite 1700
13 Atlanta, GA 30363
14 PH: (404) 322-6000
15 FX: (404) 322-6050
16 Richard.North@nelsonmullins.com
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